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No. 02-102

IN THE
Supreme Court of the United States

JOHN GEDDES LAWRENCE AND TYRON GARNER,
Petitioners,

v.

STATE OF TEXAS,
Respondent.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF TEXAS FOURTEENTH DISTRICT

BRIEF OF THE ALLIANCE OF BAPTISTS, THE AMERICAN FRIENDS SERVICE COMMITTEE, THE COMMISSION ON SOCIAL ACTION OF REFORM JUDAISM, THE MOST REV. FRANK T. GRISWOLD, III, PRESIDING BISHOP OF THE EPISCOPAL CHURCH, THE METHODIST FEDERATION FOR SOCIAL ACTION, MORE LIGHT PRESBYTERIANS, THE GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST, THE UNITARIAN UNIVERSALIST ASSOCIATION, AND 21 OTHER RELIGIOUS ORGANIZATIONS AS *AMICI CURIAE* SUPPORTING PETITIONERS

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32 pp

TABLE OF CONTENTS

Page

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

INTEREST OF THE *AMICI CURIAE* 1

SUMMARY OF ARGUMENT 2

ARGUMENT 2

I. MANY RELIGIOUS BODIES OPPOSE LAWS THAT CRIMINALIZE PRIVATE SEXUAL CONDUCT BETWEEN CONSENTING ADULTS OF THE SAME SEX 3

A. Many Religious Bodies Strongly Oppose Criminalizing Private Sexual Conduct Between Consenting Adults Of The Same Sex Even Though They Do Not Regard Such Conduct As Moral 4

B. Other Religious Bodies Accept Private Sexual Conduct Between Consenting Adults Of The Same Sex As Consistent With The Requirements Of Morality And Religion 9

II. NUMEROUS RELIGIOUS BODIES SUPPORT THE CIVIL RIGHTS OF GAY MEN AND LESBIANS 12

CONCLUSION 15

APPENDIX 1a

TABLE OF AUTHORITIES

Page(s)

CASES

Epperson v. Arkansas, 393 U.S. 97 (1968) 11
Campbell v. Sundquist, 926 S.W.2d 250 (Tenn. Ct. App. 1996) 4

MISCELLANEOUS

American Friends Service Committee Board of Directors, *A Concern about Sexual and Gender Identity* (November 1999) 11
American Friends Service Committee, *Support of Lesbian, Gay, Bisexual, and Transgender (LGBT) People* (2001) 11
Central Conference of American Rabbis, *Ad Hoc Committee on Human Sexuality* (June 1998) 12
Church of the Brethren, *Human Sexuality from a Christian Perspective* (1983), *reprinted in* Churches Speak 14
Episcopal Church, General Convention, *Statement on Homosexuality*, Resolution A-71 (1976) 13
Evangelical Lutheran Church in America, *Church Council Action CC.93.3.37* (1993) 5
General Assembly of the Disciples, *Resolution 7747* (1977) 7
General Assembly of the Unitarian Universalist Association, *Resolution on Discrimination Against Homosexuals and Bisexuals* (1970), *reprinted in* CHURCHES SPEAK 10
General Synod of the United Church of Christ, *FAQ: The Open and Affirming Movement in the United Church of Christ* 10

General Synod of the United Church of Christ, *Resolution on Virginia Privacy Laws* (July 1991) 9
General Synod of the United Church of Christ, *Resolution Recommending Inclusiveness on Association Church and Ministry Committees with the UCC* (1983), *reprinted in* Churches Speak 9
General Synod of the United Church of Christ, *Resolution on the Right to Privacy* (July 1987) 9
General Synod of the United Church of Christ, *Resolution for Greater Leadership to End Discrimination Against Gays and Lesbians* (July 1993) 9
Lutheran Church in America, *Sex, Marriage, and Family* (1970), *reprinted in* The Churches Speak 4
National Council of the Churches of Christ, *Resolution on Civil Rights Without Discrimination as to Affectional or Sexual Preference* (1975) 14
National Federation of Roman Catholic Priests' Councils House of Delegates Meeting, *Resolution on Civil Rights of Homosexual Persons* (1974) 7
Presbyterian Church, *Minutes of the 199th General Assembly* (1987) 6
Presbyterian Church, *Sexuality and the Human Community* (1970), *reprinted in* Churches Speak 5
Presbyterian Church, *Statement on the Ordination of Homosexuals: Policy Statement and Recommendations* (1978) (emphasis added), *reprinted in* CHURCHES SPEAK 5
The Alliance of Baptists, *Report of the Task Force on Human Sexuality* (Mar. 2001) 14
The Reformed Church in America, *Homosexuality: A Biblical and Theological Appraisal* (1978), *reprinted in* Churches Speak 7, 8

Union of American Hebrew Congregations, *Civil Marriage for Gay and Lesbian Jewish Couples* (1997) 11
Union of American Hebrew Congregations, *Human Rights of Homosexuals* (1977), *reprinted in* Churches Speak 10
Unitarian Universalist Association Congregational Handbook, *Developing a Diverse Congregation* (1995) 10
United Methodist Church, *Social Principles* (1972), *reprinted in* Churches Speak, ... 12, 13
United Methodist Church, *Social Principles* (1988), *reprinted in* Churches Speak 13
Ari Goldman, *Reform Judaism Votes to Accept Active Homosexuals in Rabbinate*, N.Y. TIMES, June 26, 1990, at A1 12
Peter Steinfels, *Lesbian Ordained Episcopal Priest*, N.Y. TIMES, June 6, 1991, at A1 13

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INTEREST OF THE *AMICI CURIAE*

The *amici curiae* are religious bodies, religious leaders, and religiously-affiliated organizations representing faith traditions throughout the United States.[1] The *amici*

[1] Pursuant to Supreme Court Rule 37.3(a), the *amici* have obtained from all parties their written consent to the filing of this brief. Pursuant to Supreme Court Rule 37.6, counsel for the *amici* certifies that no counsel for a party has authored this brief in whole or in part, and that no person or entity, other than the *amici*, has made a monetary contribution to the preparation or submission of this brief.

hold differing views as to the morality of sexual conduct between consenting adults of the same sex. They are unanimous, however, in opposing laws that criminalize such conduct. The individual *amici* are described in the appendix to this brief.

SUMMARY OF ARGUMENT

The Texas law at issue in this case criminalizes private, consensual sexual conduct between adults, but only in cases involving same-sex partners. The State seeks to justify this criminal law as a means of enforcing morality, and the Texas court invoked the moral views of religious bodies in support of the law. In fact, many religious bodies in the United States oppose laws that criminalize private same-sex sexual conduct between consenting adults. Some of these religious bodies believe that homosexual conduct is not consistent with their religious and moral teachings, but nevertheless believe that laws subjecting such conduct to criminal sanctions are neither morally required nor morally justified. Other religious bodies believe that same-sex relationships between consenting adults are consistent with the moral teachings of their religion. In addition, many religious bodies oppose all forms of discrimination that stigmatize gay and lesbian members of society and deprive them of their dignity as human beings. In the light of these facts, the moral views of religious bodies in the United States do not provide a valid basis for upholding the criminal law at issue in this case.

ARGUMENT

The Texas Court of Appeals, in rejecting Petitioners' constitutional challenge to the Texas Homosexual Conduct Law, asserted that "homosexual conduct has historically been repudiated by many religious faiths," and that "[o]ur

society's three major religions – Judaism, Christianity, and Islam – historically have viewed homosexuality as immoral."[2] In making these assertions, the Texas court failed to recognize that many religious bodies and leaders in the United States are on record as opposing laws that criminalize private sexual conduct between consenting adults of the same sex. Some religious groups have determined that sexual relationships between same-sex couples are compatible with the requirements of morality and religion. Other religious groups do not approve of homosexual relationships, but nevertheless oppose criminalization of private sexual conduct between consenting adults. Furthermore, many religious groups and leaders oppose discrimination against gay and lesbian individuals.

I. MANY RELIGIOUS BODIES OPPOSE LAWS THAT CRIMINALIZE PRIVATE SEXUAL CONDUCT BETWEEN CONSENTING ADULTS OF THE SAME SEX

The *amici* hold differing views concerning the religious and moral propriety of sexual intimacy between same-sex partners, but they are unanimous in their belief that private, consensual sexual conduct between same-sex adults should not be punished as a crime. Governments are responsible for protecting and promoting the public good, and therefore the criminal law properly reaches all acts that involve rape, coercion, corruption of minors, or public indecency, whether engaged in by people of the same or different sexes. Beyond these legitimate concerns, however, governments should not attempt to legislate codes of private morality. Instead, private morality is a matter for individuals, families, and faith communities. In the words of one court, "[s]piritual leadership, not the government, has the

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[2] Pet. App. 28a & n.34 (internal quotation and citation omitted).

responsibility for striving to improve the morality of individuals."[3]

A. Many Religious Bodies Strongly Oppose Criminalizing Private Sexual Conduct Between Consenting Adults Of The Same Sex Even Though They Do Not Regard Such Conduct As Moral

Numerous religious bodies in the United States have expressly condemned laws that criminalize same-sex sexual intimacy. Many religious bodies have taken this position even though they counsel against homosexuality as a religious matter.

For example, the Lutheran Church in America proclaimed three decades ago that "the sexual behavior of freely consenting adults in private is not an appropriate subject for legislation or police action."[4] The Lutheran Church in America espoused this view even though it viewed homosexuality "as a departure from the heterosexual structure of God's creation."[5] The Church recognized that gay men and lesbians "are often the special and undeserving victims of prejudice and discrimination in law, law enforcement, cultural mores, and congregational life," and stated that it was "essential to see such persons as entitled to understanding and justice in church and community."[6]

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[3] *Campbell v. Sundquist*, 926 S.W.2d 250, 266 (Tenn. Ct. App. 1996) (quoting *Commonwealth v. Bonadio*, 415 A.2d 47, 49-50 (Pa. 1980)).

[4] Lutheran Church in America, *Sex, Marriage, and Family* (1970), *reprinted in* THE CHURCHES SPEAK ON: HOMOSEXUALITY 113 (J. Gordon Melton ed., 1991).

[5] *Id.*

[6] *Id.* In 1988, the Lutheran Church in America, the American Lutheran Church, and the Association of Evangelical Lutheran Churches merged to form the Evangelical Lutheran Church in America. The Evangelical (...continued)

The Presbyterian Church (U.S.A.), with some 2.5 million members, similarly opposed criminalizing same-sex sexual acts more than 30 years ago. The Presbyterian Church stated that laws criminalizing "acts privately committed by consenting adults are morally unsupportable, contribute nothing to the public welfare, and inhibit rather than permit changes in behavior by homosexual persons."[7] In taking this position, the Presbyterian Church recognized that the "negative attitudes of church and society toward the phenomenon of homosexuality [have] often resulted in aggravated suffering and grievous injustice for homosexual persons."[8]

In 1978, the Presbyterian Church affirmed its belief that "homosexuality is not God's wish for humanity,"[9] but at the same time, affirmed its opposition to legislation proscribing same-sex sexual acts:

> Society does have a legitimate role in regulating some sexual conduct, for criminal law properly functions to preserve public order and decency and to protect citizens from public offense, personal injury, and

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Lutheran Church in America, with about five million members, has called "for legislation, referendums, and policies to protect the civil rights of all persons, regardless of their sexual orientation, and to prohibit discrimination in housing, employment, and public services and accommodations." Evangelical Lutheran Church in America, *Church Council Action CC.93.3.37* (1993), *available at* http://www.elca.org/dcs/elca_actions/ cc93_3_37.html.

[7] Presbyterian Church, *Sexuality and the Human Community* (1970), *reprinted in* CHURCHES SPEAK, *supra* note 4, at 148.

[8] *Id.* at 147.

[9] Presbyterian Church, *Statement on the Ordination of Homosexuals: Policy Statement and Recommendations* (1978) (emphasis added), *reprinted in* CHURCHES SPEAK, *supra* note 4, at 151.

> exploitation. Thus, criminal law properly prohibits homosexual and heterosexual acts that involve rape, coercion, corruption of minors, mercenary exploitation, or public display. However, homosexual and heterosexual acts in private between consenting adults involve none of these legitimate interests of society. *Sexual conduct in private between consenting adults is a matter of private morality to be instructed by religious precept or ethical example and persuasion, rather than by legal coercion.*[10]

The Presbyterian Church committed itself to "work for the decriminalization of private homosexual acts between consenting adults."[11] The Church subsequently reiterated its opposition to sodomy laws, and urged enactment of "laws forbidding discrimination based on sexual orientation in employment, housing, and public accommodations."[12]

Other religious bodies added their voices to those of Lutherans and Presbyterians. In 1974, the National Federation of Roman Catholic Priests' Councils ("National Federation") declared its opposition "to all civil laws which make consensual homosexual acts between adults a crime" and "urg[ed] their repeal."[13] The National Federation also

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[10] *Id.* at 155.

[11] *Id.* at 157-58.

[12] Presbyterian Church, *Minutes of the 199th General Assembly*, at 776 (1987), *available at* http://www.pcusa.org/101/101-homosexual.htm.

[13] National Federation of Roman Catholic Priests' Councils House of Delegates Meeting, *Resolution on Civil Rights of Homosexual Persons* (1974).

expressed its opposition to "discrimination against homosexuals."[14]

The Christian Church (Disciples of Christ), with approximately 800,000 members, called for the repeal of sodomy laws in 1977, noting that "these so called 'sodomy laws' are not restricted to homosexuals, yet are often enforced only upon the homosexual community, and unfair or uneven application of the law against homosexuals cannot be tolerated in a society which proclaims and honors the equal rights of all persons."[15]

The Reformed Church in America, with about 950 congregations in the United States, has declared that "[a]pproval of the homosexual orientation or acts is not a prerequisite to firm support of basic civil rights for homosexual persons."[16] Although the Reformed Church considers homosexuality to be "contrary to the will of God for human sexuality,"[17] it rejects sodomy laws and unequivocally affirms its belief that "the denial of human and civil rights to homosexuals is inconsistent with the biblical witness and Reformed theology."[18]

In taking this stand, the Reformed Church addressed two asserted justifications for sodomy laws – sexual crime and the influence of gay people upon children. The Reformed Church concluded that homosexual persons are no

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[14] *Id.*

[15] General Assembly of the Disciples, *Resolution 7747* (1977), *available at* http://www.synodassembly.net/disciples/129.htm.

[16] The Reformed Church in America, *Homosexuality: A Biblical and Theological Appraisal* (1978), *reprinted in* CHURCHES SPEAK, *supra* note 4, at 172.

[17] *Id.* at 168.

[18] *Id.* at 172.

more likely to commit sexual crimes than heterosexual persons, and that laws properly criminalizing sexual acts against minors, public decency, rape, and prostitution are already in place and are equally applicable to heterosexual and homosexual persons.[19] The Reformed Church also noted that the sincere and legitimate concern of parents about the possible negative effects of homosexual role models is better addressed in faith organizations and at home: "Concern for youth is better expressed in these positive ways than through blanket, discriminatory sanctions against all persons of one sexual type."[20] The Reformed Church has concluded that "legislation specifically directed toward homosexual persons is unnecessary and constitutes a prejudicial attempt to legislate private morality."[21]

In sum, many religious bodies that view homosexual conduct as inconsistent with religious and moral precepts nonetheless believe that imposing criminal punishment for such conduct is neither morally necessary nor morally justified.

[19] *Id.*

[20] *Id.*

[21] *Id.*

B. Other Religious Bodies Accept Private Sexual Conduct Between Consenting Adults Of The Same Sex As Consistent With The Requirements Of Morality And Religion

Opposition to sodomy laws that target gay and lesbian people also is strong among religious organizations that do not condemn homosexuality on religious or moral grounds.

For example, the General Synod of the United Church of Christ ("UCC")[22] has declared its opposition to so-called "sodomy laws" and supported, regardless of sexual orientation, "the right to privacy, free from government intrusion, for all adults in their private consensual, sexual relationships."[23] The General Synod of the UCC also has condemned the exclusion of homosexuals from military service, called "for the passage of a federal gay and lesbian civil rights law that will end discrimination in employment, housing, public accommodations, and federally assisted opportunities,"[24] and allowed gay and lesbian church members to serve on committees that approve ministerial candidates for ordination.[25] More recently, the General

[22] The General Synod of the UCC is the representative body of the UCC. The UCC currently has nearly 1.4 million members.

[23] General Synod of the UCC, *Resolution on the Right to Privacy* (July 1987); *see also* General Synod of the UCC, *Resolution on Virginia Privacy Laws* (July 1991) (calling for the "repeal of all state sodomy laws which attempt to criminalize [private, consensual, non-commercial sexual activity between adults] and deny basic civil and human rights").

[24] General Synod of the UCC, *Resolution for Greater Leadership to End Discrimination Against Gays and Lesbians* (July 1993).

[25] General Synod of the UCC, *Resolution Recommending Inclusiveness on Association Church and Ministry Committees with the UCC* (1983), *reprinted in* CHURCHES SPEAK, *supra* note 4, at 211-12.

Synod of the UCC has established an "Open and Affirming" movement, which encourages its individual congregations to "counter the widespread perception that . . . being gay, lesbian, or bisexual is wrong/sinful," and to spread the message that "sexuality is a good gift of our Creator, as is its responsible, loving expression."[26]

The Unitarian Universalist Association ("UUA"), comprising some 160,000 individuals, has called upon "all people" to bring an end to sodomy laws and discrimination on the basis of sexual orientation, declaring that "private consensual behavior between persons over the age of consent shall be the business only of those persons and not subject to legal regulations."[27] The UUA has long supported gay and lesbian people, and has created an Office of Bisexual, Gay, Lesbian, and Transgender Concerns, which fosters acceptance, understanding, and equality for gay and lesbian people in the UUA and in society at large.[28]

Similarly, the Union of American Hebrew Congregations ("UAHC"), which represents about 1.5 million congregants, stated in 1977 that "we affirm our belief that private sexual acts between consenting adults are not the proper province of government and law enforcement agencies."[29] The UAHC has continued to support gay and

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[26] General Synod of the UCC, *FAQ: The Open and Affirming Movement in the United Church of Christ*, *available at* http://www.ucc.org/justice/lgbt/ona.htm.

[27] General Assembly of the Unitarian Universalist Association, *Resolution on Discrimination Against Homosexuals and Bisexuals* (1970), *reprinted in* CHURCHES SPEAK, *supra* note 4, at 266.

[28] UUA Congregational Handbook, *Developing a Diverse Congregation* (1995), *available at* http://www.uua.org/cde/handbook/conghand-16b.htm.

[29] UAHC, *Human Rights of Homosexuals* (1977), *reprinted in* CHURCHES SPEAK, *supra* note 4, at 258.

lesbian people by reaffirming its commitment to welcoming gay and lesbian Jews into its congregations, encouraging their participation in all aspects of synagogue and communal life, and by supporting and affirming their personal relationships.[30]

The American Friends Service Committee ("AFSC") (Quakers) has called "on Friends and members of the AFSC organization to speak out against any attack on the civil and human rights of persons because of their sexuality or gender identity . . . . We particularly deplore any attack on the civil rights of gay, lesbian, bisexual and transgender persons couched in religious terms or attributed to scriptures. These acts are contrary to our own experience of God."[31]

It is clear from these examples that the morality invoked by Texas in support of its Homosexual Conduct Law is not shared by many religious bodies in the United States. Despite this diversity of religious opinion, the Texas court invoked the moral and religious views of certain faiths, in contravention of the principle that "[g]overnment in our democracy, state and national, must be neutral in matters of religious theory, doctrine, and practice."[32]

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[30] *See* UAHC, *Civil Marriage for Gay and Lesbian Jewish Couples* (1997), *available at* http://rj.org/uahc/dallas/ areso/civilmar.html.

[31] AFSC Board of Directors, *A Concern about Sexual and Gender Identity* (November 1999), *available at* http://www.afsc.org/news/1999/stbdlgbt.htm; *see also* AFSC, *Support of Lesbian, Gay, Bisexual, and Transgender (LGBT) People* (2001) (detailing chronology of AFSC's support for gay and lesbian people since the 1960s), *available at* http://www.afsc.org/hist/lgbt.htm.

[32] *Epperson v. Arkansas*, 393 U.S. 97, 103-04 (1968).

II. NUMEROUS RELIGIOUS BODIES SUPPORT THE CIVIL RIGHTS OF GAY MEN AND LESBIANS

The Homosexual Conduct Law stigmatizes gay and lesbian individuals by criminalizing their sexual conduct while permitting identical conduct by different-sex adults. Many religious bodies that have not specifically addressed sodomy laws targeted at same-sex couples have recognized with concern that the laws of civil society often have stigmatized and marginalized gay men and lesbians. In response to such unequal treatment, numerous religious bodies have pronounced their support for the civil rights of gay men and lesbians.

For example, the Central Conference of American Rabbis, which includes about 1,800 rabbis serving more than 1.5 million Reform Jews, recently stated that "Our pursuit of *mishpat* [justice] should inspire us to eradicate prejudice, inequality and discrimination based upon gender or sexual orientation."[33]

The United Methodist Church, with more than 8 million members, stated in the early 1970s that it does not condone homosexuality and considers it to be incompatible with Christian teaching.[34] At the same time, the United Methodists proclaimed that "all persons" – including homosexuals – "are entitled to have their human and civil

[33] Central Conference of American Rabbis, *Ad Hoc Committee on Human Sexuality* (June 1998), *available at* http://ccarnet.org/hs.html. The Central Conference of American Rabbis further declared that "[a]ll Jews are religiously equal regardless of sexual orientation" and welcomed "all rabbis regardless of sexual orientation." *See Ari Goldman, Reform Judaism Votes to Accept Active Homosexuals in Rabbinate*, N.Y. TIMES, June 26, 1990, at A1.

[34] United Methodist Church, *Social Principles* (1972), *reprinted in* CHURCHES SPEAK, *supra* note 4, at 241.

rights ensured."[35] More than a decade later, the United Methodists again "insist[ed] that all persons, regardless of . . . sexual orientation are entitled to have their human and civil rights ensured."[36] In 2000, the United Methodists affirmed their belief in the human rights and civil liberties of gay men and lesbians, and stated that "[w]e are committed to supporting those rights and liberties for homosexual persons."[37]

In 1976, the General Convention of the Episcopal Church (the Church's highest policy making body), representing more than 2 million members, expressed "its conviction that homosexual persons are entitled to equal protection of the laws with all other citizens, and call[ed] upon our society to see that such protection is provided in actuality."[38]

The Church of the Brethren believes that "heterosexuality is the intention of God for creation," but it exhorts its members to "challeng[e] openly the widespread fear, hatred, and harassment of homosexual persons," and

[35] *Id.*

[36] United Methodist Church, *Social Principles* (1988), *reprinted in* CHURCHES SPEAK, *supra* note 4, at 242.

[37] UNITED METHODIST CHURCH, THE BOOK OF DISCIPLINE OF THE UNITED METHODIST CHURCH, at ¶66H (2000), *available at* http://www.umc-gbcs.org/gbpr092.htm.

[38] Episcopal Church, General Convention, *Statement on Homosexuality*, Resolution A-71 (1976), *available at* http://www.episcopalarchives.org/cgibin/acts_new/acts_resolution.pl?resolution=1976-A071. The Standing Commission on Human Affairs of the Episcopal Church has recommended that the church allow gay and lesbian clergy at the discretion of local bishops. *See* Peter Steinfels, *Lesbian Ordained Episcopal Priest*, N.Y. TIMES, June 6, 1991, at A1.

"advocat[e] the right of homosexuals to jobs, housing and legal justice."[39]

The Alliance of Baptists recognizes the "unjust treatment of same-sex oriented persons by the church and society," and encourages "individuals and churches to accept, in response to the biblical mandate for justice, the call to witness . . . the civil rights and equality of opportunity for persons of same-sex orientation, and to oppose the humiliation and violence done to them."[40]

Finally, the National Council of the Churches of Christ, an ecumenical organization of Christian faiths that comprises 36 Protestant, Anglican, and Orthodox member denominations with more than 50 million members, opposes discrimination based upon "affectional or sexual preference" and has declared that "as a child of God, every person is endowed with worth and dignity that human judgment cannot set aside. Therefore, every person is entitled to equal treatment under the law."[41] The National Council of the Churches of Christ urges churches and individual members "to work to ensure the enactment of legislation at the national, state and local levels that would guarantee the civil rights of all persons without regard to their affectional or sexual preferences."[42]

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[39] Church of the Brethren, *Human Sexuality from a Christian Perspective* (1983), *reprinted in* CHURCHES SPEAK, *supra* note 4, at 86-87.

[40] The Alliance of Baptists, *Report of the Task Force on Human Sexuality* (Mar. 2001), *available at* http://www.allianceofbaptists.org/Resources/sexuality%20brochure%202001.pdf.

[41] National Council of the Churches of Christ, *Resolution on Civil Rights Without Discrimination as to Affectional or Sexual Preference* (1975).

[42] *Id.* Likewise, although the Roman Catholic Church views sexual conduct between members of the same sex as sinful, it also maintains that "men and women who have deep-seated homosexual tendencies . . . do not choose their homosexual condition," and that "[e]very sign of unjust (...continued)

These examples demonstrate that Texas' asserted justification for targeting gay men and lesbians for unequal treatment is not shared by numerous mainstream religious organizations. To the contrary, many religious bodies strongly support equal protection under the law for gay men and lesbians. The Texas Homosexual Conduct Law criminalizes intimate acts between members of the same sex that would be legal if performed between a man and woman, and thus fails to accord equal treatment to gay and lesbian individuals.

CONCLUSION

The religious traditions of some *amici* recognize the morality of consensual sexual intimacy between members of the same sex or hold that such conduct is not intrinsically immoral. The religious traditions of other *amici* teach that same-sex sexual conduct is to be discouraged by the family and faith community. Despite these differences, the *amici* are unanimous in the belief that criminalizing the private behavior of a particular minority, as Texas' Homosexual Conduct law does, intrudes upon individual liberty and violates the rights of gay, lesbian, and bisexual individuals.

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discrimination in their regard should be avoided." CATECHISM OF THE CATHOLIC CHURCH ¶¶ 2357-59 (1994), *available at* http://www.vatican.va/archive/catechism/p3s2c2a6.htm.

For the foregoing reasons, the *amici* urge the Court to reverse the judgment of the court below.

Respectfully submitted,

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January 16, 2003

APPENDIX

The Alliance of Baptists is an ecumenically oriented association of 120 congregations and individual members with an aggregate membership of more than 60,000 persons. Since 1995 the Alliance has recognized the "unjust treatment of same-sex oriented persons by the church and society" and encouraged "individuals and churches to accept, in response to the biblical mandate for justice, the call to [work for] civil rights and equality of opportunity for persons of same-sex orientation, and to oppose the humiliation and violence done to them." Although Baptist polity does not permit any Baptist to speak for another or any association of Baptist churches to speak definitively for any individual congregation, the position of the Alliance with respect to sexual orientation is well established.

American Friends Service Committee. In June 1976, the Board of Directors of the American Friends Service Committee, founded by the Religious Society of Friends (Quakers), issued a public statement affirming the AFSC's support of the human and civil rights of homosexual and bisexual persons. To further this concern, the AFSC included lesbians, bisexuals, and gay men as protected groups in its affirmative action plan and created programs to serve them. In October 1999, recognizing that many persons were claiming that Christianity condemns homosexual relationships, the Board stated: "[w]e particularly deplore any attack on the civil rights of gay, lesbian, bisexual and transgender persons couched in religious terms or attributed to scriptures. The Board believe[s] that human sexual diversity is a gift from God to be celebrated. AFSC believes that exploring our spirituality demands an exploration of our sexuality unconstrained by bigotry and hate."

The American Jewish Committee was founded in 1906 to combat bigotry, protect the civil and religious rights of Jews here and abroad, and advance the cause of improved

human relations for all people everywhere. We believe that the spirit of liberty, enshrined in the Constitution, necessarily encompasses the concept of privacy for all citizens. This means that it should not be the business of government to intrude on or punish any private sexual conduct between consenting adults, and we urge state legislatures to respect this fundamental right. The American Jewish Committee will continue its strong support for legislation to bar discrimination based on sexual orientation in jobs, housing, education and public accommodations.

The Commission on Social Action of Reform Judaism ("CSA") is a joint instrumentality of the Union of American Hebrew Congregations ("UAHC") and the Central Conference of American Rabbis ("CCAR"). The 900 congregations of the UAHC encompass 1.5 million Reform Jews, and the membership of the CCAR includes 1,800 Reform rabbis. The CSA implements policy positions adopted by the UAHC and CCAR.

As Jews, we are taught, in the very beginning of the Torah, that God created humans *b'tselem elohim*, in the Divine Image, and that we are all, therefore, deserving of equal treatment (Genesis 1:27). Judaism consistently teaches the importance of tolerance and the acceptance of others, even those different from ourselves. The UAHC and the CCAR are committed to the belief that all citizens are entitled to equal protection under the law and, therefore, oppose discrimination against homosexuals in any form, including discriminatory governmental statutes and practices of law enforcement agencies.

The Most Rev. Frank T. Griswold, III, Presiding Bishop of The Episcopal Church. The Episcopal Church is a hierarchical Christian denomination and a province of the worldwide Anglican Communion; it is geographically divided into more than 110 dioceses in the United States and several nations abroad. Each such diocese is headed by a

bishop and contains a number of worshipping congregations, each generally with its own ordained priest

The chief pastor and executive of The Episcopal Church is its Presiding Bishop, who is elected from among the bishops of the dioceses by the Church's General Convention. The current Presiding Bishop, one of the *amici curiae* in this case, is the Most Reverend Frank T. Griswold, III. The Presiding Bishop, among his other pastoral and administrative duties, often speaks for the Church on matters on which the Church has formally taken a policy position or as to which it is appropriate for the Presiding Bishop to take a leadership role.

The Episcopal Church has long adhered to its conviction that homosexual persons are entitled to equal protection of the laws with all other citizens, and has articulated this position in a series of resolutions adopted by its General Convention, which are cited in this Brief.

The Methodist Federation for Social Action, founded in 1907, is an independent, nation-wide network of United Methodists supporting and augmenting peace and justice ministries of the United Methodist Church. Our members are organized into 38 chapters throughout the country. Members work on a wide variety of peace and justice issues including religious liberty, promotion of human rights, non-discrimination, and the empowerment of women. We fully support, and work to promote, the stance of the United Methodist Church through is Social Principles where it states that all persons, regardless of sexual orientation, are entitled to have their human and civil rights protected and that "homosexual persons no less than heterosexual persons are individuals of sacred worth."

More Light Presbyterians are individual members and congregations of the Presbyterian Church (USA) who are faithful to God's call and believe that God continues to open new understandings of scripture and the Word in the life of

Christ. As a Christian community, we believe that the church must seek to live out those understandings in our life together. Since the 1978 General Assembly, our church has urged us to study sexuality, to take the initiative to know and to listen to gays and lesbians, to respect their civil rights, and to see them as brothers and sisters in Christ. We bear witness to the individual God-given gifts of gay, lesbian, bisexual, and transgender people in the Presbyterian Church. Following the risen Christ, and seeking to make the Church a true community of hospitality, the mission of More Light Presbyterians is to work for the full participation of lesbian, gay, bisexual, and transgender people of faith in the life, ministry and witness of the Presbyterian Church (USA).

The General Synod of the United Church of Christ is the most representative body of the denomination of the United Church of Christ, a national Christian fellowship with nearly 1.4 million members and 6,000 congregations. The General Synod has consistently adopted social policy statements that urge all of its constituents to end discrimination against persons based on their sexual orientation. In 1993, the General Synod of the United Church of Christ passed a resolution that specifically calls for "an end to state 'sodomy laws.'"

The Unitarian Universalist Association is a religious association of more than 1,000 congregations in the United States, Canada and elsewhere. Through its democratic process, the Association adopts resolutions consistent with its fundamental principles and purposes. In particular, the Association has adopted numerous resolutions affirming the principles of equality for all people, separation of church and state, personal religious freedom and the right to privacy. Most relevant to the case at bar are the Association's resolutions (a) opposing the criminalization of same-sex sexual conduct, (b) opposing all other forms of discrimination based on sexual orientation and practice and

(c) affirming the goal of equality, dignity and respect for all people, regardless of affectional or sexual orientation.

Affirmation: Gay and Lesbian Mormons is a fellowship of gays, lesbians, bisexuals, their family and friends who share the common bond of the Mormon experience. Its purpose is to provide a supportive environment for relieving the needless fear, guilt, self-oppression, and isolation that Latter-day Saints gays and lesbians can experience in an era where ignorance about human sexuality is too often a reality. We believe that a same-gender orientation and same-gender relationships can be consistent with and supported by the Gospel of Jesus Christ.

Affirmation: United Methodists for Lesbian, Gay, Bisexual & Transgendered Concerns consists of lesbians, gay men, bisexuals, transgendered persons, and their friends, families and supporters who affirm full participation of all persons and who relentlessly pursue policies and processes to that end. Specifically, together we proclaim a Gospel of respect, love and justice. We seek to overcome the barriers that diminish our common humanity by excluding or judging people because of their sexual orientation or identity, race, gender, class or physical abilities. We empower people to undertake works of inclusion and justice where they are. Affirmation provides theological foundation and socio-cultural insights leading the church to respond to God's call to be fully inclusive. When necessary, we lovingly challenge and confront the policies and practices that reflect institutionalized homophobia and heterosexism.

The Al-Fatiha Foundation is an international organization dedicated to Muslims who are lesbian, gay, bisexual and transgendered, those questioning their sexual orientation or gender identity, and their friends. Al-Fatiha's goal is to provide a safe space and a forum for Muslims of diverse sexual orientations to address issues of common

concern, share individual experiences and institutional resources, and support individuals in reconciling their sexual orientation or gender identity with Islam. Al-Fatiha promotes the Islamic notions of social justice, peace, and tolerance through its work, to bring all closer to a world that is free from injustice, prejudice, and discrimination. We seek to foster spirituality among lesbian, gay, bisexual and transgender Muslims, and to encourage dialogue with the larger Muslim community around issues of sexuality and gender.

The Association of Welcoming & Affirming Baptists consists of member churches, organizations, and individuals who are willing to go on record as welcoming and affirming all persons without regard to sexual orientation, and who have joined together to advocate for the full inclusion of lesbian, gay, bisexual and transgender persons within Baptist communities of faith. We proclaim in many ways that people of diverse sexual orientations are in the pulpits and pews of Baptist churches. Initiated by a group of American Baptist pastors in 1991 at the American Baptist Biennial Meeting, the Association of Welcoming & Affirming Baptists was formally organized at the 1993 Biennial. It now consists of 42 congregations, several local church groups and pastoral counseling centers, an international ministry, and individuals throughout the American Baptist Church USA.

Axios USA, Inc. is an organization of gay and lesbian lay Christians. We work for the knowledge and understanding of men and women of homosexual orientation among the public and within the institutions of various Eastern Orthodox, Oriental Orthodox (Non-Chalcedonian), and Eastern-Rite Catholic Churches by means of educational and charitable activities. Our members engage in research and dialogue with church authorities and members of the gay and lesbian community.

Brethren/Mennonite Council for Lesbian, Gay, Bisexual and Transgender Interests provides support for Mennonite and Church of the Brethren gay, lesbian, transgender, and bisexual people, their friends and families. We foster dialogue between gay and non-gay people in churches and provide accurate information about human sexuality from the social sciences, biblical studies, and theology. We support all people as they seek to know God's will for their lives, including those open to same-sex relationships, those seeking a life of celibacy, and those exploring questions of sexual orientation. We also believe that God celebrates the love shared in same-sex relationships. We seek a prophetic voice by advocating issues of justice on behalf of all lesbian, gay, bisexual, and transgender people, being in dialogue with the larger denominational community, and by collaborating with lesbian, gay, bisexual, and transgender groups of other denominations.

Dignity USA is the largest national lay movement of lesbian, gay, bisexual, and transgender Catholics, our families, and our friends with chapters located throughout the United States. As GLBT Catholics, it is our right, our privilege, and our duty to live the sacramental life of the Church. Dignity/USA envisions and works for a time when lesbian, bisexual, gay, and transgender Catholics are affirmed and experience dignity through the integration of their spirituality with their sexuality and as beloved persons of God participating fully in all aspects of and within the Church and society. We believe that we can express our sexuality in a loving, life-affirming manner that is in keeping with Christ's teaching.

Disciples Justice Action Network (DJAN) is a national network of justice-seeking individuals, congregations and organizations within the Christian Church (Disciples of Christ). We seek to promote and live into the justice, peace, and inclusion that are recorded in the Scriptures, proclaimed in the Gospel, and manifested at the

Lord's Table. We therefore support the full civil and human rights of all people, including those among us who are lesbian, gay, bisexual, or transgender.

Equal Partners in Faith is a multi-racial national network of religious leaders and people of faith committed to equality and diversity. Our diverse faith traditions and shared religious values lead us to affirm and defend the equality of all people, regardless of religion, race, ability, gender, sexual orientation or gender identity. As people of faith, we actively oppose the manipulation of religion to promote inequality and exclusion.

Fellowship of Reconciling Pentecostals International is a network of Pentecostal ministers, churches and ministries which seeks by means of the full gospel of Jesus Christ to reconcile all repentant people to God without regard to race, gender, political persuasion, economic or educational status, sexual orientation, nationality, religious affiliation, or any other thing that divides. We provide wounded apostolics an affirming home among those of "like precious faith," and a safety net for those in personal, family, or religious crisis. We stand together in love, and for the glory of Jesus' Name, to promote apostolic truth, Pentecostal worship, righteousness, counseling, education, evangelism, ministerial accountability, and fellowship.

The Gay, Lesbian and Affirming Disciples Alliance, Inc. is an organization of gay, lesbian, bisexual, transgendered and affirming lay and clergy members of the Christian Church (Disciples of Christ) working for the full acceptance and inclusion of lesbian, gay, bisexual, and transgendered persons in the Christian Church (Disciples of Christ). Toward this end, we work as members of our congregations, regions, and general church and with the agencies and units of the Christian Church (Disciples of Christ).

Hadassah, the Women's Zionist Organization of America, was founded in 1912 and is the largest women's and the largest Jewish membership organization in the United States, with over 300,000 members nationwide. In addition to Hadassah's mission of maintaining health care institutions in Israel, Hadassah has a proud history of protecting the rights of women and the Jewish community in the United States. Hadassah strongly supports the constitutional guarantees of privacy and equal protection, and rejects unnecessary government intrusion into private matters of personal conscience and discrimination based on sexual orientation.

Integrity, Inc. is a nonprofit organization of lesbian, gay, bisexual, and transgender Episcopalians and our straight friends. We hold our mission to be the witness of the lesbian and gay community in the Episcopal Church and of the Episcopal Church in the lesbian and gay community. Integrity has been the leading grassroots voice for the full inclusion of GLBT persons in the Episcopal Church and our equal access to its rites. At the national level and in local chapters and diocesan networks throughout the country, the primary activities are worship, fellowship, education, communication, outreach, and service to the church. Through Integrity's evangelism, thousands of GLBT people, estranged from the Episcopal Church and other denominations, have returned to parish life.

The Interfaith Alliance is the nation's largest non-partisan, clergy-led grassroots organization dedicated to promoting the positive and healing role of religion in the life of the nation and challenging those who manipulate religion to promote intolerance. With more than 160,000 members drawn from over 65 faith traditions, 38 local Alliances, and a national network of religious leaders, The Interfaith Alliance promotes compassion, civility and mutual respect for human dignity in our increasingly pluralistic society. Since its formation The Interfaith Alliance, based on the core values of

numerous religious traditions, has worked to promote tolerance and fight all forms of discrimination in our society. Working at the state and national level, The Interfaith Alliance has supported civil rights laws to ensure the full protection of the law for gay, lesbian and bisexual individuals. From its national office to its local alliances, The Interfaith Alliance is an inclusive organization that does not discriminate based on race, gender, disability, religion, sexual orientation or legal status. The Interfaith Alliance believes that discrimination based on sexual orientation not only hurts the individuals directly affected but also harms society as a whole. The Interfaith Alliance's mission is to promote the healing role of religion in public life. When religion is used to justify the persecution of individuals based on their sexual orientation it is completely antithetical to the mission of The Interfaith Alliance.

Lutherans Concerned/North America, an independent membership organization including members of all Lutheran affiliations as well as other Christian denominations, stands as a community of faith, modeling the gospel with the church and within the gay, lesbian, bisexual, and transgendered communities. The Division of Outreach of the Evangelical Lutheran Church in America formally established a continuing relationship with Lutherans Concerned/NA in 2002. We seek to employ the Gospel's principles of inclusiveness and justice, celebrating God's gifts of sexuality and diversity. We envision ourselves as a community that is empowered through baptism, centers its life in worship, acts decisively for justice, seeks the guidance of the Holy Spirit to integrate and express our spiritual and sexual selves, and calls the entire church to be a visible proponent of justice for all gay, lesbian, bisexual, and transgendered people. As Christians, we believe we are empowered to be a model of the Gospel, loving our fellow human beings and promoting justice for all.

Northaven United Methodist Church in Dallas, Texas is a church that engages in reconciling ministries as a part of the Reconciling Ministries Network. Our official mission statement reads, in part, "Because we believe that God's love in Jesus Christ has broken down the walls that divide us, we seek to embody that love in our congregation and welcomes persons of all races, sexual orientations, and economic circumstances."

Our congregation is approximately 40 percent gay and lesbian, and they comprise a large number of key leadership positions at all levels of the church -- from key administrative committee chairs, to Sunday School teachers. We have found that traditional heterosexual families, single parent families, gay and lesbian families, and many others, are attracted to our church; where we seek to create a welcoming space here all can use the gifts God gave us, to do something good for the world.

Reconciling Ministries Network is a growing movement of United Methodist individuals, congregations, campus ministries, and other groups working for the full participation of all people, including people of all sexual orientations and gender identities, in the life of the United Methodist, both in policy and practice. Though independent from the United Methodist Church, we are a part of the Methodist tradition of social concern and action, a justice-seeking, Spirited people. The Reconciling Ministries Network encompasses 176 Reconciling Congregations, 25 Reconciling Campus Ministries, and numerous other "reconciling" groups. There are more than 17,000 Reconciling Methodists.

Seventh-day Adventist Kinship International, Inc. is a lay support organization of over one thousand individuals in twenty countries devoted to the spiritual, emotional, social and physical well-being of current and former Seventh-day Adventists who are lesbian, gay, bisexual or transgendered.

We believe that we are all created in the image of God and that no one should be mistreated or discriminated against because of their sexual orientation differences. We are a volunteer organization that champions human rights for all people.

The Universal Fellowship of Metropolitan Community Churches (UFMCC) is an international Christian religious denomination, which includes more then 200 churches in the USA with 40,000 members and adherents. The UFMCC has a primary ministry and constituency in gay, lesbian, bisexual and transgendered communities. From its inception in 1968, the UFMCC has worked vigorously through both legislative and legal means for the repeal or removal of state sodomy laws throughout the USA. At its 1985 General Conference in Miami, Florida, member churches of the UFMCC passed a resolution recognizing that "members of many of our churches suffer the loss or threat of their freedom, civil rights and human dignity because of these sodomy laws," and urging "the active participation of its members including contributions of time and money, in organized efforts to help repeal sodomy laws in those states which still have them."

The World Congress of Gay, Lesbian, Bisexual, and Transgender Jews: Keshet Ga'avah was officially born in 1980. We are an umbrella organization of more than sixty-five member organizations extending across North America, Latin America, Eastern and Western Europe, South Africa, Australia, and Israel. Our vision is an environment where lesbian, gay, bisexual, and transgender Jews worldwide can enjoy free and fulfilling lives.